



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: October 4, 2011

CBCA 141

PRECISION PINE & TIMBER, INC.,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Alan I. Saltman and Richard W. Goeken of Saltman & Stevens, P.C., Washington, DC, counsel for Appellant.

Patricia Leigh Disert and Mary Ann Joca, Office of the General Counsel, Department of Agriculture, Albuquerque, NM, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On April 21, 1999, Precision Pine & Timber, Inc. (purchaser), filed a notice of appeal of a contracting officer's assessment of \$442,921.20 in default damages for failure to cut under the Salt Timber Sale contract, 005937. The claim arises under the purchaser's contract with the Forest Service of the Department of Agriculture. The board denied the purchaser's motion for summary relief. *Precision Pine & Timber, Inc.*, AGBCA 99-160-1, 00-2 BCA ¶ 30,942. Following the submission of the appeal file, complaint, and answer, the parties engaged in discovery. Thereafter, they jointly requested and obtained sequential suspensions of proceedings, while awaiting the resolution of a court case involving disputes under the same contract. On October 4, 2011, the purchaser requested a dismissal. Accordingly, the Board grants the request. The appeal is **DISMISSED WITH PREJUDICE**.

JOSEPH A. VERGILIO
Board Judge